

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
THE AUTHORS GUILD et al.,

Plaintiffs,

- against -

GOOGLE, INC.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 7-2-09
DATE FILED: 7-2-09

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CHIN, District Judge

By letter dated July 2, 2009, a copy of which is attached hereto, the Government advises the Court that it has opened an antitrust investigation into the proposed settlement in this case.

The fairness hearing is scheduled for October 7, 2009.

The Court intends to conduct the hearing on that date. If the

The Author's Guild et al v. Google Inc. Government wishes to present its views in writing, it must do so

by September 18, 2009. The Government may also appear at the hearing to present its views orally.

SO ORDERED.

Dated: New York, New York
July 2, 2009



DENNY CHIN
United States District Judge

Doc. 120



DEPARTMENT OF JUSTICE

Antitrust Division

Main Justice Building

950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001
(202) 353-1535 / (202) 514-6543 Fax

July 2, 2009

By Hand & First Class Mail

Honorable Denny Chin
The Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *The Authors Guild Inc., et al. v. Google Inc.*, Civil No. 1:05-CV-8136

Dear Judge Chin:

The United States writes to inform the Court that it has opened an antitrust investigation into the proposed agreement between Google and representatives of publishers and authors which forms the basis of a proposed settlement of a pending class action in *The Authors Guild Inc., et al. v. Google Inc.*, Civil No. 1:05-CV-8136. The United States has reviewed public comments expressing concern that aspects of the settlement agreement may violate the Sherman Act.

At this preliminary stage, the United States has reached no conclusions as to the merit of those concerns or more broadly what impact this settlement may have on competition. However, we have determined that the issues raised by the proposed settlement warrant further inquiry. We have issued civil investigative demands, *see* 15 U.S.C. § 1312(a), seeking documents and information from parties to the litigation. We also expect to have on-going discussions with the parties, as well as other interested persons, in order to assess the competitive impact of the proposed settlement. We will keep the Court apprised of the status of our investigation.

Respectfully submitted,

William F. Cavanaugh
Deputy Assistant Attorney General

cc: Michael J. Boni, Esq. (via email)
Bruce P. Keller, Esq. (via email)
Daralyn Jeannine Durie, Esq. (via email)